MEMBER'S REPRESENTATIONS

Sri C. J. MUCKANNAPPA.—I had sent a letter to you, Sir.

Mr. SPEAKER.—In the first place the letter came to me while I was sitting here. I went through it very hurriedly. After going through it I find that the same ground could be covered when the discussion on the Governor's Address takes place. There is an amendment pertaining to that matter.

Sri C. J. MUCKANNAPPA.—Sir, my letter raises a constitutional objection on which I would like to have your ruling. My letter is not a mere statement which could be raised during the discussion of the Governor's Address.

ಅಧ್ಯಕ್ಷರು.—ಮಾನ್ಯ ಸದಸ್ಯರ ಅಮೆಂಡ್‌ಮೆಂಟುಗಳು ಇವೆ. ಆಗ್ಗೆ ಅದರ ಮೇಲೆ ಅವರು ಮಾತನಾಡಬಹುದು.

Sri M. C. NARASIMHAN.—If the chair would look into the amendments, it would be clear that the matter raised in the letter is different in character. Previously, the Chair may recollect, Sri Mallaradhya was allowed to raise a similar matter.

Mr. SPEAKER.—What I find is that there are ample opportunities for Members to discuss the points raised. Moreover, I have already stated that I have just now received the letter and that I had no time to go through it throughly, If the Member wants a ruling on that, I will give it tomorrow, but the matter may get state by that time.

Sri C. J. MUCKANNAPPA.—I am aware of that, Sir. I would draw your attention to Articles 164 and 202. How can the Ministry be expended without seeking supplementary demands.

†Sri M. C. NARASIMHAN.—Sir, the quetion is like this. The latter which we have sent also indicate this. The fact is that from yesterday the Cabinet has been expanded. One of the grounds refers to additional expenditure that is likely to be incurred as a result of the expansion of the Cabinet, by way of car, salary and host of other things. After all when the Assembly is in Session, what was the difficulty for the Government to bring it before the Assembly. We have been deprived of an opportunity to discuss this point. Supplementary grants are brought in as you are well aware for items of expenditure incurred when the House was not insession and the House and the House could not be consulted. There must be some urgent ground on the basis of which they could incur the expenditure. This item is neither urgent nor was it a fact that the Assembly wat not in session.

Apart from this Sir, this is an extremely important matter relating to convention. After all these appointments are made without reference to the Cabinet. This has been done purely by the Chief Minister without reference to the Cabinet. I want to invite your kind attention to conventions that exist in the British Parliament whenever there is a Cabinet expansion. It is with reference to the Cabinet that such expansions take place. This is in order that a measure of unanimity of opinion can be secured and if that unanimity cannot be achieved, where is the possibility of harmonious Government ?

Mr. SPEAKER.—I am afraid, he is trying to divide the Cabinet.

Sri M. C. NARASIMHAN.—But I am only objecting to the procedure adopted. Is it not necessary that the when the Cabinet is expanded, his other colleagues in the Cabinet should be consulted ? I am only questioning the principle and proprty in this matter. But if it happens as you say Sir, I will be very glad.

Mr. SPEAKER.—I am afraid he may be disappointed. The first point is that so far as expenditure is concerned, I am sure nobody is able to spend money unless it is authorised by this House or unless this House certifies the expenditure. There need not be any apprehensions so far as this position is concerned.

The second point is that it may be a new item of expenditure and they may say that it is a new service. We will examine that point when they actually place the Demands before the House.

Sri NARASIMHAN.—Is not correct in saying that the Chief Minister is not entitled to expand his Cabinet without consulting his colleaguess. He has a right to expand his cabinet. Whether he should do it with the consent of the Cabinet or without it, is a different matter. In this case, he might have consulted his colleagues. There nas been no complaint from any members of the Cabinet or the Treasury Benches. That is why, let us not assume that there has been something over the Head of the Cabinet. Article 164 is very clear—first para of the article covers not only the first appointments, but also the subsequent appointments. It says.

> "164: (1) The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister and the Ministers shall hold office during the pleasure of the Governor."

Now the point is that new appointments are deemed to be made by the Governor and on the advise of the Chief Minister. When the Constitutional provision is quite clear on the point, we need not in any way search for any precedents from the U. K. The question of consulting the Cabinet colleagues does not arise becase the Article is quite clear. It may be that in the good sense of the Chief Minister he some times consults his colleagues.

Sri M. C. NARASIMHAN.—What I wish to submit is that so far as article 164 is concerned, he can certainly appoint Ministers. Under that provision, when the General elections took place, he has appointed his Ministers. This is different situation, where there is already a cabinet functioning.

Mr. SPEAKER.—Article 164 is quite clear on the point.

Sri M. C. NARASIMHAN.—That is why I said in the beginnig that this is a matter of convention. That is why I wanted to invite your attention to the conventions that exist in U. K.

Mr. SPEAKER.—Convention cannot be invoked when the article of the Constitution is quite clear. When the Law it self is quite clear. you cannot in any invoke conventions. So for as I am able to under stand, if the Chief Minister can advise the Governor once in regard to appointment of Ministers, he can advise twice, thrice and even a hundred times.

Sri M. C. NARASIMHAN.—Can you have Ministers without port-folio in this Assembly? They were appointed as Ministers yesterday. How can there be Minister without prot-folio? Even in the Union Cabinet, there is no provision. It is only in the British Government, you can have such things.

Mr. SPEAKER.—After all, it is a transiting stage.

Sri M. C. NARASIMHAN.—Transition to what? —anarchy or chaos?

Mr. SPEAKER.—Ministers without port-folio is not an impossibility. It is quite possible.

Sri C. J. MUCKANNAPPA.—Can you spend the money on Ministers when they have no assigned responsibilities? Without extracting any work from them, is it permissible under the Constitution or under the Rules to spend money on them? These people are named as Ministers. They have absolutely on work. Is it permissible to spend money on them—it is nearly Rs. 5000/-, per month.

Mr. SPEAKER.—Can the Government spend money without the approval of this House? The consent may be prior consent or it may be *post facto*. If you refuse to give the money, the Government will have no option.

Sri M. C. NARASIMHAN.—This is the first time in the history of Mysore where Minisiters are appointed without portfolio. I am sure the Government will find it difficult to justify because there is no precedent any where in the Constitutional history of India.

Mr. SPEAKER.—He is trying to make a point where there is no substance.

MOTION OF THANKS TO THE GOVERNOR FOR HIS ADDRESS

ಶ್ರೀ ಎ. ವಿ. ನರಸಿಂಹರೆಡ್ಡಿ (ಬೆಂಗಳೂರು ದಕ್ಷಿಣ)—ಸ್ವಾಮಿ, "ದಿನಾಂಕ ಫೆಬ್ರುವರಿ 27, 1961 ರಂದು ವಿಧಾನಮಂಡಲದ ಸದಸ್ಯರನ್ನುದ್ದೇಶಿಸಿ ದಯಪಾಲಿಸಿದ ಭಾಷಣಕ್ಕಾಗಿ ಈ ಅಧಿವೇಶನದಲ್ಲಿ ಸೇರಿರುವ ಮೈಸೂರು ವಿಧಾನ ಸಭೆಯ ಸದಸ್ಯರಾದ ನಾವು ರಾಜ್ಯಪಾಲರಿಗೆ ಕೃತಜ್ಞತಾ ಪೂರ್ವಕವಾದ ವಂದನೆಗಳನ್ನು ಸಮರ್ಪಿಸಲು ಅಪ್ಪಣೆಕೊರುತ್ತೇವೆ".

ಶ್ರೀ ಮತಿ ರತ್ನಮ್ಮ ಮಾಧವರಾವ್(ತಿಪಟೂರು).—ಸ್ವಾಮಿ, ಮಾನ್ಯ ಸದಸ್ಯರ ಸೂಚನೆಯನ್ನು ನಾನು ಅನುಮೋದಿಸುತ್ತೇನೆ.

Mr. SPEAKER.—Motion moved.

"That we, the Members of the Mysore Legislative Assembly assembled in this Session, beg leave to thank the Governor for the Address delivered to the members of the Legislature on the 27th February 1961."